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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 HECTOR VASQUEZ, }
10 Petitioner, } 2:13-cv-00279-RCJ-VCF
11 vs. } **ORDER**
12 STATE OF NEVADA, *et al.*, }
13 Respondents. }
14 _____ /

15 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
16 by a Nevada state prisoner.

17 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the
18 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*
19 *forma pauperis* should be granted.

20 Petitioner has submitted a motion for the appointment of counsel. (ECF No. 2). The court
21 must appoint counsel where the complexities of the case are such that denial of counsel would
22 amount to a denial of due process, *Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980), and
23 where the petitioner is a person of such limited education as to be incapable of presenting his claims
24 in such a way that the court can afford him a fair hearing, *Hawkins v. Bennet*, 423 F.2d 948 (8th Cir.
25 1970). In the instant case, the record suggests that petitioner suffers from learning disabilities and
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1 has little education. The petition (ECF No. 1-1) suggests that this may be a relatively complex
2 action. In the interests of justice, the Court grants petitioner's motion for the appointment of
3 counsel.

4 Therefore, the Federal Public Defender for the District of Nevada (FPD) is appointed to
5 represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other
6 reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order
7 appointing such alternate counsel. In either case, counsel will represent petitioner in all future
8 federal proceedings relating to this matter (including subsequent actions) and appeals therefrom,
9 unless allowed to withdraw.

10 **IT IS THEREFORE ORDERED** that petitioner's motion to proceed in *forma pauperis*
11 (ECF No. 1) is **GRANTED**. The Clerk of Court **SHALL FILE** the *pro se* habeas petition (ECF No.
12 1-1) in this action.

13 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF
14 No. 2) is **GRANTED**. The Federal Public Defender is appointed to represent petitioner.

15 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
16 **SERVE** the Federal Public Defender for the District of Nevada (FPD) a copy of this order, together
17 with a copy of the *pro se* petition for writ of habeas corpus (ECF No. 1-1). The FPD shall have
18 **thirty (30) days** from the date of entry of this order to undertake direct representation of petitioner or
19 to indicate to the Court its inability to represent petitioner in these proceedings.

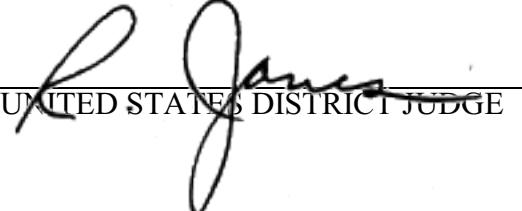
20 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** a copy of this order
21 to the CJA Coordinator.

22 **IT IS FURTHER ORDERED**, so that the respondents may be electronically served with the
23 amended petition and any exhibits filed through counsel, that the Clerk of Court **SHALL**
24 **ELECTRONICALLY SERVE** respondents with a copy of this order by certified mail to the Office
25 of the Attorney General, Criminal Division, 100 North Carson St., Carson City, NV 89701-4717.

1 Respondents' counsel shall enter a notice of appearance herein within **twenty (20) days** of entry of
2 this order, but no further response shall be required from respondents until further order of this
3 Court.

4 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
5 Court will issue a scheduling order, which will, among other things, set a deadline for the filing of a
6 first amended petition.

7 Dated this 30th day of August, 2013.

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10 UNITED STATES DISTRICT JUDGE
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